Summary of Direct Investigation Assessment

LANDS DEPARTMENT (Lands D)

Case No. OMB/WP/14/1 S.F.100

Review Mechanism of the Phased Enforcement Programmes against Unauthorised Building Works in New Territories Exempted Houses

Introduction

In 1996, this Office conducted a direct investigation on unauthorised building works in New Territories Exempted Houses ("UBW in NTEH"). On our recommendation, Lands D had repeatedly tried but failed to secure funds for a survey to gauge the problem and resource requirements for tackling it. In the absence of an effective policy, the problem had persisted and was likely to deteriorate.

2. Meanwhile, New Territories District Lands Offices ("NT DLOs") had scheduled enforcement programmes against UBW in NTEH. In view of the limited resources for enforcement, each NT DLO has a review board to identify cases which warrant urgent enforcement action.

Background

3. We were alerted by a complaint in which one particular DLO projected that it would take four to five years to take enforcement action against a UBW which had occasioned burglary to the complainant. The review board concerned refused to accord higher priority to the case. This Office, therefore, examined the review mechanism.

Observations and Conclusions

4. While it was recognised that the problem of UBW had yet to be assessed properly, Lands D, at headquarters, should monitor the processes and practices of DLOs in the operation of the review mechanism. DLOs should adopt a firm but pragmatic and flexible approach in the determination of the priority for action in each special case.

Subsequent Developments

5. Lands D accepted our recommendations and reminded all NT DLOs on the importance of using the review mechanism properly. As regards the UBW which led to this assessment, the relevant review board subsequently concluded that higher priority, thus earlier action, should be accorded.